



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Uzumcu et al.

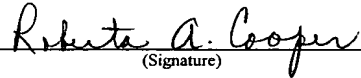
Title: ANGLE ATTACHMENT FOR
POWER TOOL

Appl. No.: 10/791,671

Filing Date: 03/02/2004

Examiner: To be determined

Art Unit: 3723

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 459169197 US	12/13/04
(Express Mail Label Number)	(Date of Deposit)
Roberta A. Cooper	
(Printed Name)	
	
(Signature)	

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request reconsideration of the Petition under 37 C.F.R. § 1.47(a) to treat the above-identified patent application as being made by inventors Scott Adler, Brian Albrecht, and Timothy D. Baker on behalf of non-signing inventor Al Uzumcu which was filed on September 17, 2004.

In a Decision Refusing Status Under 37 C.F.R. § 1.47(a) dated October 14, 2004 received from the U.S. Patent and Trademark Office, the following reasons were given for refusal of the Petition under 37 C.F.R. § 1.47(a) filed on September 17, 2004:

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. § 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (1) set forth above.

In regards to item (1), petitioners have not provided sufficient proof that a copy of the complete application (specification,

including claims, drawings, if any, and the declaration) was sent to the non-signing inventor.

A statement made by the attorney of record, Victor Henzi, indicates that on two separate occasions, the declaration and power of attorney were sent, under his direction by Administrative Assistant Debra Sykes, to Mr. Uzumcu, that a telephone message by Mr. Uzumcu confirmed his receipt of same and that in a follow-up conversation, Mr. Uzumcu advised that he would not be signing the declaration for the above identified application. The evidence presented however is not sufficient to show that Mr. Uzumcu had the benefit of reviewing the application, thus the requirements for status under 37 CFR 1.47(a) have not been met.

Petitioners may show proof that a copy of the application was sent or given to the nonsigning inventor for review by providing a copy of the cover letter transmitting the application papers to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first hand knowledge of the details.

Likewise, before a *bona fide* refusal can be shown, the non-signing inventor must have been given an opportunity to review the application. Therefore, petitioners must show proof that the non-signing inventor refuses to sign the declaration after being sent or given a copy of the application papers. If there is a written refusal, petitioners should submit a copy of that refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

Enclosed herewith are the following materials:

1. A Statement of Facts for Petition Pursuant to 37 C.F.R. § 1.47(a) signed by Victor Henzi which includes statements and documentary evidence that inventor Uzumcu has refused to sign the Declaration and Power of Attorney after having been presented with the application papers (including copies of a cover letter sent to inventor Uzumcu and a Return Receipt Postcard).
2. A Statement of Facts for Petition Pursuant to 37 C.F.R. § 1.47(a) signed by Warren Comstock, the individual to whom inventor Uzumcu expressed the fact that he would not

cooperate with the request to sign and return the Declaration and Power of Attorney sent to him.

The Applicants believe that such further evidence satisfies the requirements of 37 C.F.R. § 1.47(a), and respectfully request reconsideration and grant of the Petition Under 37 C.F.R. § 1.47(a) for the present application.

It is not believed that any further fees are due at this time. However, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

Date 12/13/2004

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5564
Facsimile: (414) 297-4900

By 

Attorneys for Applicants

Marcus W. Sprow
Registration No. 48,580

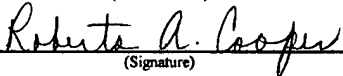
Richard J. McKenna
Registration No. 35,610



Atty. Dkt. No. 035568-0127

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Uzumcu et al.
Title: ANGLE ATTACHMENT FOR
POWER TOOL
Appl. No.: 10/791,671
Filing Date: 03/02/2004
Examiner: To be determined
Art Unit: 3723

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Roberta A. Cooper	
(Printed Name)	
	
(Signature)	

STATEMENT OF FACTS FOR PETITION PURSUANT TO 37 C.F.R. § 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The following is a statement of facts surrounding the refusal of inventor AI Uzumcu to join in the present application.

1. I am currently employed by Robert Bosch Corporation as Chief Counsel for Intellectual Property.
2. On September 16, 2004, I spoke with inventor Uzumcu by telephone regarding the above-captioned patent application matter.
3. Mr. Uzumcu indicated during the September 16, 2004 telephone conversation that he would not cooperate with our request to sign and return the Declaration and Power of Attorney form that was sent to him along with a copy of the above-captioned patent application by my colleague Victor Henzi.
4. Based upon the circumstances described above, I believe that inventor Uzumcu has indicated a refusal to cooperate in the present application.
5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and made with the knowledge that willful, false statements are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date December 10, 2004

By Warren Comstock

Warren Comstock



Atty. Dkt. No. 035568-0127

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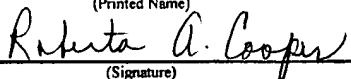
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Roberta A. Cooper	
(Printed Name)	
	
(Signature)	

STATEMENT OF FACTS FOR PETITION PURSUANT TO 37 C.F.R. § 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The following is a statement of facts surrounding the refusal of inventor Al Uzumcu to join in the present application.

1. I am currently employed by Robert Bosch Corporation as an Intellectual Property Administrator and Patent Agent.
2. In my capacity as Intellectual Property Administrator and Patent Agent for Robert Bosch Corporation, I am responsible for obtaining signatures from inventors for patent applications that are assigned to Credo Technology Corporation.
3. The last known address for inventor Al Uzumcu is 376 W. Sycamore Street, Vernon Hills, IL 60061.
4. On July 8, 2004, a copy of the above-identified patent application and a Declaration and Power of Attorney form were sent by U.S. Postal Service Certified Mail to inventor Uzumcu at the last known address listed above under my direction by Administrative Specialist Debra Sykes. A copy of the July 8, 2004 cover letter accompanying the patent application and the Declaration and Power of Attorney form is attached hereto.
5. The July 8, 2004 letter (including a copy of the above-identified patent application and a Declaration and Power of Attorney form) was received on July 13, 2004 by Jennifer Uzumcu, the wife of inventor Uzumcu, at the last known address for inventor Uzumcu. A copy of a Return Receipt Postcard stamped July 13, 2004 evidencing the receipt of the July 8, 2004 letter is attached hereto.

6. After not receiving the signed Declaration and Power of Attorney form from inventor Uzumcu, I contacted inventor Uzumcu by telephone on September 15, 2004 to discuss obtaining his signature on the Declaration and Power of Attorney form.

7. Inventor Uzumcu left me a voice mail message on September 15, 2004 in which he stated that "...in the meantime, when that happened, I took all those files you sent, threw 'em in the garbage."

8. On September 16, 2004, I was present for a telephone conversation between my colleague Warren Comstock and inventor Uzumcu. Mr. Comstock indicated that inventor Uzumcu stated that he would not cooperate with our request to sign and return the Declaration and Power of Attorney form for the present application.

9. Based upon the circumstances described above, I believe that inventor Uzumcu has indicated a refusal to cooperate in the present application.

10. Upon further investigation of the facts and circumstances surrounding my communications with inventor Uzumcu, it was discovered that while inventor Uzumcu did receive a copy of the above-identified patent application and Declaration and Power of Attorney form as described above in Sections 4 and 5, it appears that inventor Uzumcu did not receive another copy of the above-identified patent application and Declaration and Power of Attorney form. Statements made in Sections 4 through 6 of my prior Statement of Facts filed September 17, 2004 appear to relate to a different patent application and Declaration and Power of Attorney form that were sent to inventor Uzumcu on May 27, 2004, and such statements were made without deceptive intent on my part.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and made with the knowledge that willful, false statements are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date December 13, 2004

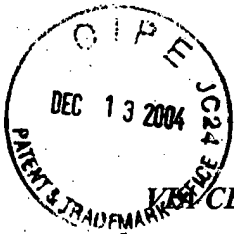
By Victor Henzi

Victor Henzi
Registration No. 45,447

ROBERT BOSCH CORPORATION



BOSCH



Legal Dept. Fax (708) 786-3673

Telephone (708) 865-5200

Facsimile (708) 865-6430

www.boschusa.com

2800 South 25th Avenue
Broadview, Illinois 60155-4594

July 8, 2004

Al Uzumcu
376 West Sycamore Street
Vernon Hills, IL 60061

**Re: Formal Papers – U.S. Patent Application No. 10/791,671, filed March 2, 2004
“Angle Attachment For Power Tool” (R73172)**

Dear Mr. Uzumcu:

Please find enclosed a confidential copy of the above-referenced patent application as filed. As you may know, the application should remain confidential until it is published 18 months after the filing date.

Pursuant to your obligation to Roto Zip Tool Corporation, whose IP assets were purchased by Robert Bosch Tool Corporation (RBTC), please sign and date the enclosed Assignment and Declaration forms. The Assignment is to Credo Technology Corporation, a legal entity that has since acquired the ownership rights to the patent application. If you have means to do so, we would appreciate it if you could have the Assignment form notarized. If not, this is also acceptable. You can return the original signed copies via the self-addressed UPS return envelope.

On behalf of RBTC, thank you for your contribution to this invention. We will send you a copy of the patent when it issues.

Sincerely,

Debra Sykes
Legal Assistant



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature X <i>Jennifer Varnen</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Al Uzumcu 376 West Sycamore Street Vernon Hills, IL 60061</p>		<p>B. Received by (Printed Name) JENNIFER VARNEN C. Date of Delivery</p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number 7000 0520 0017 7298 5043 (Transfer from service label)</p>			

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

DEC 14 2004

DAE
JFW



Atty. Dkt. No. 035568-0127

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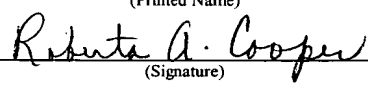
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Roberta A. Cooper	
(Printed Name)	
	
(Signature)	

TRANSMITTAL

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents for the above-identified application.

- [X] Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a) (3 pages).
- [X] Copy of Statement of Facts for Petition Pursuant to 37 C.F.R. § 1.47(a) executed by Warren Comstock (2 pages).
- [X] Copy of Statement of Facts for Petition Pursuant to 37 C.F.R. § 1.47(a) executed by Victor Henzi with attachments (4 pages).

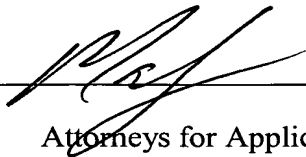
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even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 12/13/2004

By 

FOLEY & LARDNER LLP

Customer Number: 26371

Telephone: (414) 297-5564

Facsimile: (414) 297-4900

Attorneys for Applicants

Marcus W. Sprow

Registration No. 48,580

Richard J. McKenna

Registration No. 35,610